

**COMMONWEALTH OF MASSACHUSETTS
State Building Code (780 CMR) Appeals Board
Board's Ruling on Appeal¹**

Docket No. 09-687

Appellant(s): Stephen Armington for vz. Appellee(s): City/Town of Newton
 Newton North High School Project John Lojek

Procedural History

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant him a variance from 780 CMR 1007.4, for 457 Walnut Street, Newton, MA a.k.a. Newton North High School Project. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et. seq.*; and 780 CMR 122.3.4, the Board convened a public hearing on January 8, 2009 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

The Appellant and Hal Cutler appeared and testified for the hearing representing the City of Newton on this project. Others testified as well as indicated on the sign in sheet that is on file at the Department of Public Safety.

Discussion

A motion was made to grant the Appellant's request for a variance from 780 CMR 1007.4, based on the Exhibits and testimony that was presented, and allow the installation and the use of platform lifts as part of the accessible means of egress for this project. The motion was also based on the fact that the building commissioner for the City of Newton was not opposed to the granting of the variance. There was a second on the motion and a board vote was taken, which was unanimous.

Conclusion

The Appellant's request for a variance from 780 CMR 1007.4, is hereby granted as described in the discussion above and so ordered² on this date: January 8, 2009.



Douglas Semple



Jacob Nunnemacher



Alexander MacLeod

¹ This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108

² In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.